
APPENDIX B

Scoping Meeting Presentation and Handouts

**PUBLIC SCOPING FOR PROPOSED ALLOCATION OF
WATER SUPPLY AND EXPECTED LONG-TERM CONTRACT EXECUTION,
CENTRAL ARIZONA PROJECT**

REVISED 9/8/99¹ (see bolded italicized print)

INTRODUCTION. Consistent with Council on Environmental Quality regulations implementing the National Environmental Policy Act of 1969, as amended (**NEPA**), Bureau of Reclamation (Reclamation), intends to prepare an environmental impact statement (EIS) related to proposed modification of existing **allocations** of Central Arizona Project (CAP) water. We are requesting public input regarding the range of alternatives being considered and scope of issues and impacts that should be addressed in the **EIS**. This information sheet has been prepared to provide background information regarding the proposed action and alternatives that are currently being considered for inclusion in the **EIS**.

BACKGROUND - The **CAP** was authorized as part of the Colorado River Basin Project Act of 1968 (Public Law 90-537). The CAP is a multi-purpose water project which develops water for municipal and industrial (M&I) use, as well as non-Indian agricultural (**NIA**) and Indian uses, in **central** and southern Arizona. The CAP delivers Arizona's Colorado River water through a system of pumping plants, aqueducts, dams and reservoirs.

In 1982, the Department of the Interior, through Reclamation, prepared an EIS to address the potential impacts associated with the allocation of CAP water for use by M&I water users, NIA users, and Indian tribes (Water Allocations and Water Service Contracting EIS, INT FES-82-7, filed March 19, 1982/**Record** of Decision, dated February 10, 1983). The Secretary of the Interior (Secretary) published his final decision regarding CAP water allocations² on March 24, 1983 (48 FR 12446). In that notice, the Secretary allocated 638,823 acre-feet (AF) of CAP water per year for use by M&I users, and 309,828 AF of CAP water per year for use by Indian users. The CAP water supplies remaining after the M&I and Indian entities used their entitlements were allocated for use by NIA users on a percentage basis. Each of 23 NIA water users' CAP water allotment was stated as a percentage of the total available NIA supply, based upon CAP eligible acres of the agricultural users after adjusting to reflect any available surface water supplies.

Several actions have been taken since 1983 that changed the amounts allocated to both the M&I and Indian water use categories. The amount of water allocated for tribal use has increased as a result of several water settlements. In 1985, the United States secured Colorado River water entitlement from the Yuma Mesa Division of the Gila Project, in the Yuma area, for use in a

'Due to an oversight, CAP water allocated for use by New Magma Irrigation and Drainage District, considered to be relinquished through bankruptcy proceedings, was not characterized as such in the original information packet. This revised version corrects that oversight.'

²All allocations are annual quantities.

water rights settlement with the Ak Chin Indian Community. This resulted in a net increase to the water available for Federal purposes (after deducting estimated system losses) of 47,500 AF.

In 1988, the Roosevelt Water Conservation District (RWCD) in Phoenix, Arizona, relinquished 5,000 AF of its CAP NIA allocation for use in a water rights settlement with the Salt River Pima Maricopa Indian Community (SRPMIC), adding 5,000 AF to the category of water available for Federal purposes. Then, in 1992, RWCD assigned its remaining allotment to the Secretary for use and benefit of the Gila River Indian Community (GRIC). (For settlement negotiations and NEPA purposes, this amount is assumed to be 18,600 AF.) These two relinquishments by RWCD resulted in an increase of 23,600 AF of CAP water available for Federal purposes.

In 1990, the United States secured additional Colorado River water entitlement from the Wellton Mohawk Irrigation and Drainage District in Yuma, Arizona, for use in a water rights settlement with SRPMIC. This added an additional net amount of 20,900 AF (after deducting estimated system losses) for Federal purposes.

In 1992, the Harquahala Valley Irrigation District (HVID) relinquished its CAP allotment to the Secretary for use in the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Title IV of Public Law 101-628), and for use "in the settlement of water rights claims of other Indian tribes having claims to the water in the Salt and Verde River system." HVID's allotment was determined to be equivalent to 33,251 AF, of which an amount of 13,933 AF was converted to Indian priority water³ and assigned to FMIC in 1992; the remaining 19,318 AF continues to be held by the Secretary for use in settlement of water rights claims. (For settlement negotiation and NEPA purposes, it is assumed this amount will be converted to Indian priority water.)

The San Carlos Apache Tribe Water Rights Settlement Act of 1992 (Title XXXVII of Public Law 102-575), as amended, reallocated CAP M&I water previously allocated for use by the City of Globe and Phelps Dodge Corporation (3,480 AF and 14,665 AF, respectively) to the San Carlos Apache Tribe. Subject to final implementation of the Settlement Act, this will add an additional 18,145 AF to the category of water available for Federal purposes.

The result of the above mentioned actions is the addition of 143,396 AF to the "water held for Federal purposes" category, for a current total of 453,224 AF. In addition, with final implementation of the San Carlos Apache Tribe Water Rights Settlement Act, the amount of

³Under the terms of all CAP water service contracts, no user is guaranteed water deliveries or water quality. All contracts provide for reductions in deliveries of CAP water; these reductions are based upon the "priority" assigned to the CAP water allocations. The actual method for reducing deliveries during periods of declared shortages on the Colorado River is more complex; however, generally speaking, during years of water supply shortages, water allocated and contracted for use by Indian tribes and M&I entities would share a first, or highest, priority for Project water supplies. NIA water users have a lower priority and would experience a reduction in deliveries before the higher priority Indian and M&I water (see 48 FR 12446 for a complete description of how shortages are to be handled).

water allocated for use by M&I entities will be reduced by 18,145 AF. Of the 620,678 AF remaining in the M&I water category, there are 65,647 AF for which contracts were offered but not signed.

As mentioned earlier, amounts allocated for use within the NIA water category are based upon percentages of the CAP water supply that remains after water from the other two categories has been contracted. Calculations of the corresponding amounts of water available to the contractors within the NIA category, in terms of exact amounts in AF, vary among the settlement parties. These variations are due to differences in assumptions used and the order of the calculations made. For purposes of quantifying and qualifying the environmental consequences of the proposed action and the alternatives, we are assuming the total amount of CAP water available in a normal year, for diversion and use after deducting for estimated system losses, is 1,415,000 AF. This is an amount the various settlement parties have agreed upon for negotiation purposes. Therefore, for NEPA related purposes, the amount of water currently available for NIA use is estimated to be 341,098 AF (1,415,000 AF less the sum of 620,678 AF plus 453,224 AF). Use of specific numbers in this information sheet, and the EIS itself, is not meant to imply a degree of precision that does not exist, and it should be noted the various amounts of water attributed to the NIA category are estimates for purposes of describing alternative reallocation scenarios. Amounts that include water from the NIA category will be designated as being an "estimate," with the exception of the 33,251 acre- foot amount of NIA water previously allocated for use by HVID, which was solidified as an exact amount.

Within the NIA category, there are an estimated 112,578 AF for which allocations were declined or contracts were originally offered but not signed. There are an additional estimated **44,493** AF that are considered to have been relinquished (subject to consent of the Secretary) by *five* non-Indian irrigation districts: Queen Creek Irrigation District (ID), Chandler Heights Citrus ID, San Tan ID, Tonopah ID, and *New Magma Irrigation and Drainage District*. In addition, there are an estimated 43,654 AF that have been or are anticipated to be assigned to several cities within Maricopa County through agreements with the Hohokam Irrigation and Drainage District (HIDD).

PROPOSED ACTION and ACTION ALTERNATIVES - The following alternatives have been developed by Reclamation staff, and should be considered preliminary in nature. The alternatives are intended to "bracket" the range of reasonable options that could be undertaken by the Secretary (or his designee), either pursuant to or outside of a negotiated settlement agreement.

There are certain actions that are assumed to occur under the proposed action and all "action" alternatives that are currently being considered for inclusion in the EIS. They are as follows:

- a. An amount of 17,800 AF of CAP water formerly allocated to HVID, now with an Indian priority, would be allocated and contracted to GRIC. As mentioned above, this represents CAP water that was previously allocated and contracted to the Harquahala Valley Irrigation District

(HVID) but relinquished in 1992 to the Secretary for use in the settlement of water rights claims of Indian tribes having claims to the water in the Salt and Verde River system;

b. The estimated 18,600 AF of NIA priority water previously allocated to RWCD and held by the United States for use and benefit of GRIC would be allocated and contracted to GRIC, in accordance with the "Settlement Agreement Among the Gila River Indian Community, Roosevelt Water Conservation District, and the United States of America (May 10, 1999)";

c. M&I category water previously allocated for use by ASARCO, Inc., in the amount of 17,000 AF, is anticipated to be voluntarily assigned to GRIC as part of a settlement of GRIC water rights claims; and

d. It is assumed the water previously allocated for use by HVID that continues to be held by the Secretary for use "in the settlement of water rights claims of other Indian tribes having claims to the water in the Salt and Verde River system" will be converted to Indian priority water. All other CAP water would retain its current priority (which determines the order of priority in reducing deliveries during times of shortages on the Colorado River).

A. PROPOSED ACTION. Under the proposed action in the EIS, Reclamation would modify existing allocations of CAP water under terms consistent with extensive ongoing settlement discussions that are occurring regarding operation of the CAP, the status of CAP water, and resolution of outstanding Indian water rights claims. These settlement discussions involve Reclamation, Central Arizona Water Conservation District (CAWCD), State of Arizona, Arizona Department of Water Resources (ADWR), NIA irrigation districts, and several Indian tribes. Environmental analysis of the proposed reallocation does not preclude additional adjustments being made to the final reallocations, depending upon the course of negotiations. Reclamation would analyze any adjustments as part of the NEPA compliance process, as appropriate.

Modifications to existing allocations under the proposed action would be as follows (in addition to those already identified as occurring under all action alternatives):

1. The 65,647 AF that is currently uncontracted within the M&I category would be reallocated to M&I entities after consultation with ADWR. CAP M&I water service subcontracts would be offered to these allottees. (The 17,000 AF of ASARCO water would be voluntarily assigned to GRIC, as described in "a" above.)

2. Water allocated for NIA use would be reduced by an estimated 200,000 AF, which would be reallocated for Federal purposes. Of the estimated 141,098 AF remaining in the NIA category, 97,444 AF would be reserved for use by non-Indian agricultural or M&I entities under a process to be developed. The remaining 43,654 AF represents the water associated with HIDD that has been or is anticipated to be assigned to several Maricopa County cities (as described above).

3. Water allocated for Federal purposes would be increased by an estimated 200,000 AF from reallocation of water from the NIA category described in A.2. above. This water would be contracted as follows: 102,000 AF to GRIC; 28,200 AF to the Tohono O'odham Nation; and 69,800 AF reserved by the Secretary for use in facilitating future Indian water rights settlements.

B. ACTION ALTERNATIVE #1. This alternative would result in a minimal amount of change to the existing allocations, as follows:

1. Water in the M&I category would be handled the same as described for the Proposed Action;
2. The amount of water in the NIA category would remain at an estimated 341,098; however, an estimated 112,578 AF of water in this category would be made available for use by non-Indian agricultural and/or M&I entities under a process to be developed (this amount represents that portion of water within the NIA category for which allocations were made in 1983, but for which no contracts were executed);
3. An estimated amount of 1,518 AF of Indian priority water already held for Federal purposes (originally allocated to HVID) would be allocated and contracted to the Tonto Apache and Yavapai Apache tribes.

C. ACTION ALTERNATIVE #2. This alternative would result in reductions to the existing M&I and NIA categories, as follows:

1. 65,647 AF of M&I category water would be reallocated for Federal purposes (as described in C.3. below). This 65,647 AF represents the currently uncontracted water previously allocated for M&I use;
2. An estimated **44,493** AF (representing NIA water previously allocated to Queen Creek ID, Chandler Heights Citrus ID, San Tan ID, Tonopah ID *and New Magma Irrigation and Drainage District*) would be reallocated for Federal purposes (as described in C.3 below). In addition, as in Alternative #1, an estimated 112,578 AF of water would be made available for use by non-Indian agricultural and/or M&I entities under a process to be developed;
3. The amount of CAP water available for Federal purposes would be increased by an estimated **110,140** AF as a result of the reallocations described in C.1 and C.2 above. The 65,647 AF from the M&I category would be contracted as follows: 20,000 AF to GRIC; 28,200 AF to Tohono O'odham Nation; 3,947 AF to San Carlos Apache Tribe; and 13,500 AF to the Navajo Nation and Hopi Tribe. The estimated **44,493** AF from the NIA category would be contracted as follows: **24,828** AF to GRIC; and an additional 19,665 AF to San Carlos Apache Tribe. In addition, as in Alternative #1, an estimated amount of 1,518 AF already held for Federal purposes would be allocated and contracted to the Tonto Apache and Yavapai Apache tribes.

D. ACTION ALTERNATIVE #3. This alternative would affect the M&I category to the same degree as under Alternative #2, but there would be a greater reduction to the existing NIA category. This alternative results in the greatest degree of change from the existing conditions, as follows:

1. Changes to amounts of water in the M&I category would be as described in Alternative #2.
2. An estimated 297,444 AF of water previously allocated for NIA use would be reallocated and held by the Secretary (as described in D.3 and D.4 below). The amount remaining in this category would represent the estimated 43,654 AF associated with HIDD;
3. The amount of water available for Federal uses would be increased by an estimated 272,091 AF as a result of the reallocations described in D.1 and D.2 above. The 65,647 AF from the M&I category would be contracted as under Alternative #2 (20,000 AF to GRIC; 28,200 AF to Tohono O'odham Nation; 3,947 AF to San Carlos Apache Tribe; and 13,500 AF to the Navajo Nation and Hopi Tribe). An estimated 206,444 AF reallocated from the NIA category would be distributed as follows: 82,000 AF would be contracted to GRIC, and 124,444 AF would be reserved by the Secretary for future Federal purposes. As in Alternatives #1 and #2, an estimated 1,518 AF would be allocated and contracted to the Tonto Apache and Yavapai Apache tribes.
4. The remaining 91,000 AF of water reallocated from the NIA category described in D.2 above would be reserved by the Secretary for as yet to be determined non-Federal users.

Following is a table that summarizes the estimated total number of AF that would comprise each pool of CAP water, by alternative:

CAP WATER CATEGORY	CURRENT CONDITION/ NO ACTION	PROPOSED ACTION	ALTERNATIVE #1	ALTERNATIVE #2	ALTERNATIVE #3
M&I category	620,678	603,678	603,678	538,031	538,031
NIA category	341,098	141,098	341,098	296,605	43,654
Federal (Indian) category	453,224	670,224	470,224	580,364	742,315
held for "non-Federal purposes"	0	0	0	0	91,000
Total (in AF):	1,415,000	1,415,000	1,415,000	1,415,000	1,415,000

E. NO FEDERAL ACTION. In addition to the proposed action and the three action alternatives, Reclamation will also evaluate environmental consequences that are anticipated to

occur in the absence of the proposed action (the no Federal action). By definition, the no Federal action alternative means that no water would be reallocated and no new contracts would be signed. Currently, uncontracted water from the previous CAP allocations, including 65,647 AF of M&I category water, and that portion of the NIA pool which has either been declined (about 112,578 AF) or considered to be relinquished (subject to Secretarial consent) from *five* non-Indian irrigation districts (about **44,493** AF), is available for delivery by CAWCD to entities through two-party excess water agreements. The United States is challenging these agreements in ongoing litigation regarding operation of the CAP. For purposes of this analysis it is assumed that under the no Federal action scenario, this practice would continue pending resolution of the ongoing litigation.

ENVIRONMENTAL ISSUES - Thus far, following are environmental issues and concerns that are anticipated to be evaluated in the draft EIS: Potential impacts to biological and cultural resources, evaluated at a regional level; potential impacts to surface- and ground-water quality and quantity within the 3-county service area; potential impacts to the agricultural economy of the 3-county area; potential impacts to urban growth on a regional basis within the 3-county area; and potential impacts from delivery and use of water by Indian tribes and communities.

PUBLIC INPUT REQUESTED - Interested persons, organizations and agencies are encouraged to attend any of the public scoping meetings, or submit written comments regarding the proposed action, alternatives being considered, and the environmental issues to be addressed in the draft EIS. The three scoping meetings will be held at the following locations and times:

<u>PHOENIX AREA</u>	<u>CASA GRANDE AREA</u>	<u>TUCSON AREA</u>
September 14, 1999 1:00-3:30 p.m. National YWCA Leadership Development Center 9440 N. 25th Avenue Phoenix, Arizona	September 15, 1999 6:30-9:00 p.m. Francisco Grande Resort Ballroom 26000 Gila Bend Highway Casa Grande, Arizona	September 16, 1999 1:00-3:30 p.m. Tucson Community Center Maricopa-Mojave Room 260 S. Church Tucson, Arizona

Send written scoping comments to Mr. Bruce Ellis, Environmental Program Manager, Phoenix Area Office, Bureau of Reclamation, P.O. Box 81169, Phoenix Arizona, 85069-1169. To be most helpful, comments should be received by September 27, 1999. Written comments received by Reclamation become part of the public record associated with this action. Accordingly, such comments (including name, address, or telephone information shown on written correspondence) will be available to requestors of information through the Freedom of Information Act.

<p>Questions concerning the information provided in this packet should be directed to Ms. Sandra Eto at Reclamation's Phoenix Area Office, P.O. Box 81169, Phoenix AZ 85069-1169, telephone (602) 216-3857.</p>
